

Rowena Santos CSB 210185
rsantos@thompsoncoburn.com
THOMPSON COBURN LLP
2029 Century Park East, 19th Floor
Los Angeles, California 90067
Tel: 310.282.2500 / Fax: 310.282.2501

Kathy A. Wisniewski (*pro hac vice* to be filed)
kwisniewski@thompsoncoburn.com
Stephen A. D'Aunoy (*pro hac vice* to be filed)
sdaunoy@thompsoncoburn.com
Scott H. Morgan (*pro hac vice* to be filed)
smorgan@thompsoncoburn.com
THOMPSON COBURN LLP
One U.S. Bank Plaza
St. Louis, Missouri 63101
Tel: 314.552.6000 / Fax: 314.552.7000

Attorneys for Defendant FCA US LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

LYNN GRIMSTAD, *et al.*,
Plaintiffs,
v.
FCA US LLC,
Defendant.

Case No. 8:16-cv-00763-JVS-E

**FCA US LLC'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
ITS MOTION TO TRANSFER**

[CLASS ACTION]

DATE: July 11, 2016

TIME: 1:30 p.m.

JUDGE: James V. Selna

COURTROOM: 10C

Pursuant to Federal Rule of Evidence 201, Defendant FCA US LLC requests that this Court take judicial notice of the attached documents described below:

1. The Delaware Statement of Formation for FCA US LLC, a true and

1 accurate copy of which is attached hereto as Exhibit 1. The records verifying
2 FCA US's date of formation are publicly available through the State of Delaware at
3 <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx>.

4 2. The Order (I) Authorizing the Sale of Substantially All of the Debtors'
5 Assets Free and Clear of All Liens, Claims, Interests and Encumbrances,
6 (II) Authorizing the Assumption and Assignment of Certain Executory Contracts
7 and Unexpired Leases in Connection Therewith and Related Procedures and
8 (III) Granting Related Relief entered by the United States Bankruptcy Court for the
9 Southern District of New York in the case of *In re Old Carco LLC (f/k/a Chrysler*
10 *LLC)*, Case No. 09-50002 (Bankr. S.D.N.Y.), a true and accurate copy of which is
11 attached hereto as Exhibit 2 (without its referenced exhibits). This Order is known
12 as "the Sale Order."

13 3. The Opinion Regarding Defendant Chrysler Group LLC's Motion to
14 Dismiss the Amended Complaint entered in *In re Old Carco LLC*, Case No. 09-
15 50002/*Tulcaro v. Chrysler Group LLC*, Adv. Proc. No. 11-09401 (S.D.N.Y.), a true
16 and accurate copy of which is attached hereto as Exhibit 3.

17 4. The Order Granting Defendant Chrysler Group LLC's Motion to
18 Dismiss entered in *In re Old Carco LLC*, Case No. 09-50002/*Tatum v. Chrysler*
19 *Group LLC*, Adv. Proc. No. 11-09411 (S.D.N.Y.), a true and accurate copy of
20 which is attached hereto as Exhibit 4.

21 5. The May 7, 2013, letter to Nancy Lummen Lewis at the National
22 Highway Traffic Safety Administration ("NHTSA") from Kristin J. Kolodge of
23 FCA US LLC, which is publicly available on the NHTSA website at [http://www-](http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM437323/RCDNN-13V175-1433.pdf)
24 [odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM437323/RCDNN-13V175-](http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM437323/RCDNN-13V175-1433.pdf)
25 [1433.pdf](http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM437323/RCDNN-13V175-1433.pdf), a true and accurate copy of which is attached hereto as Exhibit 5.

26 6. The May 10, 2013 letter to Kristin Kolodge at FCA US LLC from
27 Jennifer Timian at the NHTSA, which is publicly available on the NHTSA website
28 at <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM437946/RCAK->

1 [13V175-8078.PDF](#), a true and accurate copy of which is attached hereto as
2 Exhibit 6.

3 7. The Opinion Granting Defendant's Motion to Dismiss entered in *In re*
4 *Old Carco LLC/Wolff v. Chrysler Group LLC*, Case No. 09-50002, Adv. Proc.
5 No. 10-05007, p. 7 (S.D.N.Y.), a true and accurate copy of which is attached hereto
6 as Exhibit 7.

7 "Under Rule 201 [of the Federal Rules of Evidence], the court can take
8 judicial notice of public records and government documents available from reliable
9 sources on the Internet, such as websites run by governmental agencies." *U.S. ex*
10 *rel. Modglin v. DJO Global Inc.*, 48 F.Supp.3d 1362, 1381 (C.D.Cal. 2014)
11 (citations omitted); *see also Daniels-Hall v. National Educ. Ass'n*, 629 F.3d 992,
12 999 (9th Cir. 2010) (taking judicial notice of list of approved vendors culled from
13 school district website where authenticity of website was not questioned, reasoning
14 "[i]t is appropriate to take judicial notice of this information, as it was made
15 publicly available by government entities"); *Woong Joo Yoon v. Immigration and*
16 *Naturalization Service*, 236 Fed.Appx. 270, 2007 WL 1545059, *1, fn. 1 (9th Cir.
17 2007) (granting request for judicial notice of California Secretary of State's
18 certificate of status of a domestic corporation).

19 Furthermore, this Court can take judicial notice of the documents of record
20 in other court proceedings. *See, e.g., Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th
21 Cir. 2007) (noting that court can "take notice of proceedings in other courts, both
22 within and without the federal system, if those proceedings have a direct relation to
23 matters at issue" (citations omitted)); *Rosal v. First Federal Bank of California*,
24 671 F.Supp.2d 1111, 1121 (N.D.Cal. 2009) (granting motion to take judicial notice
25 of bankruptcy court records).

1 DATED: May 27, 2016

2 **THOMPSON COBURN LLP**

3 By: /s/ Rowena Santos

4 Rowena Santos

5 *Attorneys for Defendant FCA US LLC*

6
7
8
9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on May 27, 2016, I electronically filed the foregoing
11 document using the CM/ECF system which will send notification of such filing to
12 the e-mail addresses registered in the CM/ECF system, as denoted on the
13 Electronic Mail Notice List.

14 By: /s/ Rowena G. Santos